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United States District Court

2004 JAN 23 AM 11:56

District of Massachusetts

DISTRICT COURT  
DISTRICT OF MASS.

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Melo, Ramon

Att: 76-240-686

-Petitioner-

MAGISTRATE JUDGE Bowler

vs.

1. Joseph F. McDermough,  
- Sheriff of Plymouth County  
My Immediate Custodian.  
2. Department of Homeland Security;  
Steven J. Farnsworth, District Director.

-Respondent-

Application for Federal Writ of Habeas  
Corpus, Under 28 U.S.C. § 2241

1. I am presently confined at the Plymouth County Correctional Facility.

2. The Basis of My Petition:

-Continued detention in the custody of the Department of Homeland Security, Bureau of Immigration & Customs Enforcement.

Ground One: My indefinite detention is unlawful.

The Department of Homeland Security (D.H.S.) does not have statutory authority to detain me indefinitely. This is because my removal can not be effectuated in the reasonably foreseeable future.

- (A) I was arrested by (D.H.S) on (10-14-03), I had a final order of deportation. Reason for my deportation is because of my VISA expiring.
- (B) The (D.H.S) has since retained the necessary Travel Documents for my deportation and I still remain in custody.
- (C) My family is suffering while I'm being detained. I am the source of income for my family as well as my relatives.

Ground TWO: My indefinite detention by respondent is in violation of my rights to procedural and substantive due process, as guaranteed by THE Fifth Amendment To THE United States Constitution.

- (A) After being in custody I have notified (D.H.S) that I do ~~work~~, fight, that I will fully cooperate to speed up my deportation.
- (B) I am a member of the Chicago National League Pittsburgh Ball Club, my career is on hold because of this per-longed process. (Copy inclosed of my Visa I recived through THE National league Ball Club).

Ground Three: I am not a flight risk and I do not present any danger to public safety and thus my detention is unlawful Under: 8 C.F.R. Section: 241.4.

- (A) I am not asking to be released here in the United states when I don't have a green Card. I would just like to get back to my family and resume my career.

(B.) I'm willing to abide with all the conditions imposed on me upon my release and also avail myself to the (D.H.S) at any day my removal is imminent.

- Thanking you for your time and concern.

- I declare under penalty and perjury that the foregoing is true and correct.

Ramone D.

Jan. 20. 04